HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1145 (S/S) 2006

Sohan Lal S/o Sri Alam Ram,
Resident of village Ookhimath,
District Rudraprayag. --Petitioner.

Versus

1. State of Uttaranchal through Secretary, Samaj Kalyan, Uttaranchal Sashan, Dehradun,
2. Director, Samaj Kalyan, Uttaranchal Haldwani, Ntl.
3. Zila Samaj Kalyan Adhikari, Chamoli, Gopeshwar, district Chamoli,
4. Senior Treasury Officer, Chamoli, Gopeshwar.

--Respondents.

Sri Gopal Narayan, holding brief of Sri N.P. Singh, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for the State/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narayan, holding brief of Sri N.P. Singh, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State/respondents.

By the present writ petition, the petitioner has prayed for the following reliefs:-

i. To issue a writ, order or direction in the nature of certiorari quashing the order dated 17.06.2006 (annexure-2) passed by respondent no. 2,
ii. To issue a writ, order or direction in the nature of mandamus directing the respondents to pay the suspension allowance to the petitioner from the date of suspension order dated 17.06.2006,
iii. To pass such order, which this Hon'ble Court deem fit in the facts and circumstances of the case.
iv. To award the cost against the respondents in favour of the petitioner.

The petitioner who was working as Clerk with the respondents' Department at Gopeshwar, district Chamoli was suspended vide order dated 17.06.2006 passed by the Director, Samaj Kalyan, Uttaranchal, Haldwani, Nainital with the

allegations that during the duty hours, he was found in the state of intoxication; he misbehaved with his superior authorities; earlier too he was warned orally not to indulge in such activities. By the similar order, Sri G.R. Nautiyal, District Welfare Officer, Tehri has been appointed as Inquiry Officer.

Counsel for the petitioner has contended that the petitioner has already received chargesheet to which a reply has also been made by him.

Having heard learned counsel for the parties and perusing of the record, I do not find any substance at this stage to interfere with the order passed by the Director / respondent no. 2 on 17.06.2006, however it will be just and proper to direct the Inquiry Officer / Disciplinary Authority to conclude the inquiry within the period prescribed by the Court.

Accordingly, I direct the Inquiry Officer / Disciplinary Authority to conclude the inquiry initiated against the petitioner and pass final order within a period of six weeks from the date of production of a certified copy of this order. The petitioner is directed to cooperate with the inquiry. In the meantime, the respondents shall pay subsistence allowance to the petitioner from the date of his suspension.

The stay application no. 10753/06 stands disposed of.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 23, 2006:
NCM: